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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/776,956	02/05/2001	Jared Schutz Polis	Proflowers -P1-01	2313

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P.O. Box 7131
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EXAMINER

PHAM, THIERRY L

ART UNIT	PAPER NUMBER
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2625

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10/13/2011

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 09/776,956	Applicant(s) POLIS ET AL.	
	Examiner THIERRY PHAM	Art Unit 2625	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 August 2011.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ An election was made by the applicant in response to a restriction requirement set forth during the interview on ____; the restriction requirement and election have been incorporated into this action.
- 4) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 5) ☒ Claim(s) 1-20 and 22-61 is/are pending in the application.
- 5a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 6) ☐ Claim(s) ____ is/are allowed.
- 7) ☒ Claim(s) 1-20, 22-61 is/are rejected.
- 8) ☐ Claim(s) ____ is/are objected to.
- 9) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 10) ☐ The specification is objected to by the Examiner.
- 11) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 12) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____. |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

- This action is responsive to the following communication: RCE filed on 8/23/2011.
- Claims 1-20, 22-61 are currently pending; claim 21 has been canceled.

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 8/23/2011 has been entered.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 18-20, 46 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bain et al (US 5315508) and in view of Wright et al (US 4802218).

Regarding claim 18, Bain discloses a process including:

printing (printer 40, fig. 1) a sheet comprising parts that include a packing list

(packing list, fig. 3) or product code, a customizable component (fig. 2) from a

distribution center by the carrier;

packing (packing, cols. 7-8) at the distribution center, in response to information on the sheet (purchase order receiving from remote entities, col. 5, lines 1-30), including separating (shipping label as shown in fig. 2) the parts (col. 1, lines 5-18, col. 3, lines 1-36, col. 7, lines 28 to col. 8, lines 34, col. 20, lines 34-67) prior to shipment of a package

Art Unit: 2625

such that the certain part is located outside the package during the shipment, but no other of said parts is located outside the package during the shipment (shipping label as shown in fig. 2 is located outside of the package, any other information such as invoice, products are locate inside of the shipping package, col. 1, lines 5-18, col. 3, lines 1-36, col. 7, lines 28 to col. 8, lines 34, and col. 20, lines 34-67). Furthermore, Bain clearly teaches a method and a system for receiving purchase order from consumers and to print such information on a sheet. Figs. 5-7 show a user interface screen that enables users/operators to enter necessary information (sender's address, receiver's address, delivery date, ship date, courier, quantity, product information, and etc.) and such information can be printed on a print media at the distribution center or carrier. Specifically on column 7, lines 28 to column 8, lines 35, where Bain clearly teaches a method/system that allows users/operators to print necessary data (e.g. purchase order, point of origin, destination address, delivery date, ship date, quantity, shipping costs, and etc.) that can be easily interpreted by both the carriers and receivers. It is recommended that the applicants consider the cited prior art reference as a "whole" and not just sections/columns cited by the examiner.

Bain fails to expressly teach and/or suggest printing carrier's waybill.

Wright, in the same field of endeavor for printing (waybill printing terminal, fig. 12), teaches a method/system for printing carrier's waybill (carrier's waybill, abstract, figs. 7-9, col. 4, line 25-31, col. 13, lines 50 to col. 28, sample of carrier's waybill is shown in fig. 9).

It would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify distribution center and/or shipping center of Bain to include a waybill printer as taught by Wright to print carrier's waybill on a singular sheet for ease of shipping products and/or calculating costs (cols. 3-5 of Wright).

Therefore, it would have been obvious to combine Bain with Wright to obtain the invention as specified in claim 18.

Regarding claim 19, Bain further teaches the process of claim 18, wherein the shipment does not include shipment of the packaging list or product code part with the

Art Unit: 2625

package (shipping label as shown in fig. 2 is located outside of the package, any other information such as invoice, products are locate inside of the shipping package, col. 1, lines 5-18, col. 3, lines 1-36, col. 7, lines 28 to col. 8, lines 34, and col. 20, lines 34-67).

Regarding claim 20, Bain further teaches the process of claim 19, wherein the shipment includes shipment of the customizable component part within the package (shipping label as shown in fig. 2 is located outside of the package, any other information such as invoice, products are locate inside of the shipping package, col. 1, lines 5-18, col. 3, lines 1-36, col. 7, lines 28 to col. 8, lines 34, and col. 20, lines 34-67, it is obvious to hide personal information inside the package).

Regarding claim 46 recites limitations that are similar and in the same scope of invention as to claim 1 above; therefore, claim 46 is rejected for the same rejection rationale/basis as described in claim 1.

Claims 1-17, 22-45, 47-61 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bain et al (US 5315508) and in view of Wright et al (US 4802218) and in view of Kara (6208980).

Regarding claim 1, Bain discloses a process:

receiving, electrical signals from an ordering center computer system (vendor/distribution center receiving purchase order from different entities/consumers via electrical network, fig. 1-3, col. 1, lines 5-17, col. 2, lines 25-50, col. 4, lines 65 to col. 6, lines 67), the electrical signals formatting a singular sheet (fig. 2), to comprise at least one of a packing list (packing list, fig. 3, col. 20, lines 33-67) or product code area and a customizable component area (fig. 2), and
printing (printing, fig. 1), from the electrical signals received from the ordering center (printing a shipping label as shown in fig. 2 via printer 40 at distribution/vendor site), a packing list (fig. 3) or product code on the packing list or product code area, a ship date (col. 7, lines 28-55), and customer-specified delivery date (col. 7, lines 28-55).

Bain fails to expressly teach and/or suggest printing carrier's waybill.

Art Unit: 2625

Wright, in the same field of endeavor for printing (waybill printing terminal, fig. 12), teaches a method/system for printing carrier's waybill (carrier's waybill, abstract, figs. 7-9, col. 4, line 25-31, col. 13, lines 50 to col. 28, sample of carrier's waybill is shown in fig. 9).

It would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify distribution center and/or shipping center of Bain to include a waybill printer as taught by Wright to print carrier's waybill on a singular sheet for ease of shipping products and/or calculating costs (cols. 3-5 of Wright).

The combination of Bain and Wright fail to teach and/or suggest wherein printing on a customizable component a personal message on a shipping label.

Kara, in the same field of endeavor printing on a shipping label (fig. 13), teaches a well-known example of printing on a customizable component a personal message from a customer to a recipient (e.g. Happy Birthday, flower art work as shown in fig. 13 & 16, col. 20, lines 22-50).

It would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify shipping label of Bain and/or Wright to include a personal message from a customer to a recipient on a shipping label as taught by Kara so that customer does not need a separate card/letter for personal message, therefore, it saves customer's cost of shipping additional card/letter.

Therefore, it would have been obvious to combine Bain and Wright with Kara to obtain the invention as specified in claim 1.

Regarding claim 2, Bain further teaches the process of claim 1, wherein the printed singular sheet includes the packing list (packing list, fig. 3, col. 20, lines 33-67).

Regarding claim 3, Bain further teaches the process of claim 1, wherein the printed singular sheet includes the product code (figs. 2-3).

Art Unit: 2625

Regarding claims 4-5, the combination of Bain and Wright fail to teach and/or suggest wherein printing on a customizable component a personal message, preexisting art work, type of flowers from a customer to a recipient on a shipping label.

Kara, in the same field of endeavor printing on a shipping label (fig. 13), teaches a well-known example of printing on a customizable component a personal message from a customer to a recipient (e.g. Happy Birthday, flower art work as shown in fig. 13 & 16, col. 20, lines 22-50).

It would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify shipping label of Laurush to a personal message from a customer to a recipient on a shipping label as taught by Kara so that customer does not need a separate card/letter for personal message, therefore, it saves customer's cost of shipping additional card/letter.

Therefore, it would have been obvious to combine Bain and Wright with Kara to obtain the invention as specified in claims 4-5.

Regarding claims 6-8, the combination of Bain, Wright, and Lara further teach the process of claim 3, wherein electrical signals comprises shipping signals received from a carrier's computer (USP, fig. 2 of Bain, col. 7, lines 30-55) system and communicated to the ordering center system (system as shown in fig. 1 of Bain). Furthermore, Kara teaches a communication network (e.g. Internet network, fig. 1) and wherein Bain teaches a electronic communication network for receiving purchase order and packing information from remote users/clients, therefore, it would have been obvious to modify communication network as taught by Kara and Bain to allow communication between vendor and courier (e.g. UPS) for specific shipping instructions.

Regarding claim 9, Kara further teaches the process of claim 1, further including printing a customer initiated ornamental design on the carrier's waybill area (since customizable image such as Happy Birthday, flower art work as shown in fig. 13 & 16, col. 20, lines 22-50 of Kara can be printed on a shipping label, therefore, it would have been also obvious to print an ornamental design as well).

Regarding claim 10, Bain further teaches the process of claim 1, further including: separating the printed areas into respective pieces; locating both the customizable component piece and the goods within a package products (cols. 7-8 and col. 20, lines 33-67); and shipping the package, with the customizable component within the package of carrier's waybill located outside the package. It is obvious to attach on a shipping label on the outside of the package (e.g. box), wherein the rest of confidential information such as invoice, user's account, and etc. is to be placed inside a box to protect user's information from being viewed by unauthorized personnel.

Regarding claims 11-12, Bain further teaches the process of claim 6, further including: separating the printed areas into respective pieces prior to shipment of a package and the waybill piece, such that the waybill piece is outside the package shipping label as shown in fig. 2 is located outside of the package, any other information such as invoice, products are located inside of the shipping package, col. 1, lines 5-18, col. 3, lines 1-36, col. 7, lines 28 to col. 8, lines 34, and col. 20, lines 34-67), but no other of said printed pieces is outside of the package during the shipment. It is obvious and well known in the art to only attach the shipping label to the package and not other information (e.g. account information, confidential information, product description, and etc). Doing so, it prevents unauthorized personnel from viewing the description of the product content and/or user's account information, and etc.

Regarding claims 13-14, the combination of Bain//Lara further teach the process, wherein the electrical signals comprises shipping signals received from a courier shipping computer system (USP, fig. 2 of Bain, col. 7, lines 30-55) and communicated to the ordering center system (system as shown in fig. 1 of Bain). Furthermore, Kara teaches a communication network (e.g. Internet network, fig. 1) and wherein Bain teaches a electronic communication network for receiving purchase order and packing information from remote users/clients, therefore, it would have been obvious to modify communication network as taught by Kara and Bain to allow communication between vendor and courier (e.g. UPS) for specific shipping instructions.

Art Unit: 2625

Regarding claim 15, Lara further teaches the process of claim 1, wherein the sheet includes the customizable component, and the customizable component comprises a customer initiated ornamental graphic (since customizable image such as Happy Birthday, flower art work as shown in fig. 13 & 16, col. 20, lines 22-50 of Lara can be printed on a shipping label, therefore, it would have been also obvious to print an ornamental design as well)..

Regarding claims 16-17, Lara further teaches the process of claim 2, wherein the customizable component area comprises preexisting art work (figs. 13 & 16, col. 20, lines 22-50).

Regarding 29, Kara further teaches the process of any one of claims 1-16, 18-20, 22-23, 25-26, 28, wherein the printing is facilitated by a TCP/IP communication (fig. 1a), and wherein the packing list is printed so as to specify a type of flower (fig. 12A). Bain specifically teaches a method of packing and shipping products according to purchase order transmitted from consumers. However, Bain does not specifically indicate what types of products are being ordered and/or shipped. Packing and shipping products such as flowers are well known in the art, therefore, it would have been obvious to try to use the system and methods as taught by Bain to apply to consumer goods including flowers/chocolate, and et.

Regarding claim 49, Bain further teaches the process of claim 1, wherein the sheet includes the waybill area; and further comprising: packing at the distribution center (vendor/distribution center receiving purchase order from different entities/consumers via electrical network, fig. 1-3, col. 1, lines 5-17, col. 2, lines 25-50, col. 4, lines 65 to col. 6, lines 67), in response to information on the sheet packing a purchase order based upon packing list/shipping label, cols. 7-8); and separating the areas prior to shipment of a package such that the waybill area is located outside (shipping label as shown in fig. 2 is located outside of the package, any other information such as invoice, products are locate

Art Unit: 2625

inside of the shipping package, col. 1, lines 5-18, col. 3, lines 1-36, col. 7, lines 28 to col. 8, lines 34, and col. 20, lines 34-67) the package during the shipment, but no other of said areas is located outside the package during the shipment.

Regarding claims 22-28, 30-48, 50-61 recite limitations that are similar and in the same scope of invention as to those in claims 1-17, 29, and 49 above and/or in combination thereof; therefore, claims 22-28, 30-48, 50-61 are rejected for the same rejection rationale/basis as described in claims 1-17, 29, and 49.

Response to Arguments

- Applicant's arguments with respect to claims 1-20, 22-61 have been considered but are moot in view of the new ground(s) of rejection.

---Regarding claims 1-20, 22-61, the applicants argued the cited prior arts of record fail to teach and/or suggest "waybill", and wherein the applicants argued the definition of "waybill" provided from www.dictionary.com does not compliance of the cited laws.

In response, the examiner herein fully disagrees. First of all, the applicants repeatedly argued the defined "waybill" does not comply with the cited laws. **The examiner is unaware of any cited laws provided by the applicants in the original filed specification and/or evidence affidavit.** The examiner relies upon www.dictionary.com to show the definitions of "waybill" in broadest reasonable interpretations. The non-patent literature (rules and regulations from carriers such as UPS and FedEx) submitted on 8/23/2011 are not sufficient and cannot be relied upon to overcome the prior art rejections. Please notes that the submitted documents were dated 8/11/2011, wherein the effective filing date of current application were dated 2/5/2001. Furthermore, the applicants argued the cited prior arts of record fail to teach and/or suggest Air Waybill. However, no wherein in any pending claims include the features/limitations of "Air Waybill". Pending claims are now rejected under a new ground of rejection due to newly added features/limitations "carrier's waybill". See rejections above for more details.

Art Unit: 2625

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to THIERRY PHAM whose telephone number is (571)272-7439. The examiner can normally be reached on M-F (9:30 AM - 6:00 PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mark K. Zimmerman can be reached on (571) 272-7653. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Thierry L Pham/

Primary Examiner, Art Unit 2625